BEFORE THE WATER POLLUTION CONTROL ADVISORY COUNCIL (WPCAC)

TRANSCRIPT OF PROCEEDINGS

Heard at Room 111, Metcalf Building
1520 East Sixth Avenue
Helena, Montana
August 24th, 2012
10:00 a.m.

CHAIRMAN TREVOR SELCH; MEMBERS
DUDE TYLER, EARL SALLEY, KEITH SMITH,
STEVIE NEUMAN, KAREN BUCKIN-SANCHEZ, KATHLEEN WILLIAMS, and MICHAEL WENDLAND

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WHEREUPON, the following proceedings were had:

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CHAIRMAN SELCH: With that we'll call the meeting to order. I appreciate you guys all showing up. We have a fairly brief meeting, but we have a couple of briefing items to go through today. Before we actually move on, Amy is going to introduce one of our new Council members, and I think after she does that, we'll go around and we'll all introduce ourselves as well.

MS. STEINMETZ: So as I think everybody knows, Richard Hoehne retired a couple of months ago and resigned his position on WPCAC, and we have a new member, Keith Smith from Hamilton. He's the Public Works Director there. And we're glad to have him here.

MR. SMITH: Thank you.

MS. STEINMETZ: Also I wanted to introduce the new Standards supervisor. Bob also retired. Eric Urban is the new supervisor of the Water Quality Standards Section. Because you all work so much with Standards, I thought it would be good to introduce him as well.

CHAIRMAN SELCH: We'll start with

Stevie.

MS. NEUMAN: Stevie Neuman, and I'm representing the Conservation Districts in Montana, which there are 58, and we have 56 counties, and I live west of Great Falls.

MS. WILLIAMS: Kathleen Williams. I'm a public member. I live in Bozeman. I'm also a State legislator, and they still let me stay on, so it has been a pleasure to serve.

MR. WENDLAND: I'm Mike Wendland, and represent production agriculture, and live in Rudyard, Montana, which is 200 miles north of here. And during my term here, my tenure, I've been elected as a County Commissioner, and like Kathleen, they've let me stay on to represent.

MR. SALLEY: I'm Earl Salley. I represent industries with concerns about the disposal of inorganic waste. I was an operating engineer. I worked at a wastewater treatment plant for 23 years, and represented the Operating Engineers.

MR. SMITH: As you know, I'm Keith Smith, Public Works Director in Hamilton south of Missoula in the Bitterroot Valley.

MS. BUCKIN-SANCHEZ: I'm Karen Sanchez.

It's my responsibility here to represent professional sanitary engineers. My background and experience includes work at DEQ, and also for a funding agency that funds small communities infrastructure.

MR. TYLER: Dude Tyler, Livingston. I'm representing realtors and developers.

CHAIRMAN SELCH: I'm Trevor Selch. I represent fisheries here, and I'm based out of Helena.

MS. STEINMETZ: Amy Steinmetz, Environmental Quality.

MS. CRIDER: Stephanie Crider, Environmental Quality.

CHAIRMAN SELCH: Welcome aboard, Keith. Glad to have you here. With that, we'll move on to our approval of the agenda. Has everyone had a chance to look at the agenda from last time's meeting? If so, is there any edits or changes that anyone sees?

MS. WILLIAMS: I'll make a motion to accept.

MR. TYLER: Second.

CHAIRMAN SELCH: Agenda approved. So I guess moving on to the approval of the minutes

from our June 29th meeting. Have you had a chance to look at that? I guess the approval of our minutes -- jumped ahead of ourselves there. Approve the agenda for today. We just have two briefing items, and also one short action item as well. Does anyone have any edits or additions to the agenda?

(No response)

CHAIRMAN SELCH: Hearing none --

MS. NEUMAN: I move we approve the minutes of the June 29th meeting.

CHAIRMAN SELCH: So the agenda and minutes have been approved. With that we'll move on to --

MS. WILLIAMS: Do we vote after we move to make --

CHAIRMAN SELCH: Sure. Sorry. Let's just start with the agenda. I got back a little late last night. We'll first take a vote on the agenda. Everyone in favor.

(Response)

CHAIRMAN SELCH: Opposed.

(No response)

CHAIRMAN SELCH: Motion carries. Approval of minutes. Everyone in favor?

MS. NEUMAN: We needed a second, I think.

MR. TYLER: Second.

CHAIRMAN SELCH: Approval of our minutes from June 29th, everyone in favor.

(Response)

CHAIRMAN SELCH: Opposed.

(No response)

CHAIRMAN SELCH: Motion carries.

Our first briefing item is the Numeric Nutrient Standards Rule package, and we have Mike Suplee.

MR. SUPLEE: Good morning, everybody. I hope you've had an opportunity to look over the rule package. And I wasn't really sure exactly how to go through this, but I thought maybe the best way would just be to kind of go through the pieces and parts of it, and as we go through it, if you have questions, we'll do that. We should have lots of time for questions at the end anyway.

I have one hand out, which has sometimes proven helpful for working with the Nutrient Work Group in explaining this process, because there are aspects of it that are sometimes kind of complicated. So I'll pass that around.

In your mailing you should have received three items: Circular DEQ12 -- which I see a lot of copies of those; there should have been a rule package; and there should have been a guidance document, which had kind of a double title. It looks like this. (Indicating)

So I'll go through. I'll start with the circular, and kind of talk about the basis of the standard, what's in the circular, and kind of show the linkages back to the rule package and key parts. Again, jump in and ask questions, please, at any time.

So because the Nutrient Standards, based on the science that we've done, have shown that the numbers are going to be relatively stringent, we also realized we needed some kind of an implementation process that can phase these standards in over time, and that turned out to be the variance process, which is kind of captured in this circular together.

So there's two pieces in the circular, Part A and B. Part A is adopted by the Board, and basically contains the scientifically derived criteria and some stuff pertaining to permits, so I'll start with that part. And I think the guts

of it really are on Page 3 where we have listed out the standards that we are recommending for the different regions.

So the way it works is at the top of the table you have the standards recommended for streams, wadeable streams and rivers, for these ecoregions or groups of ecoregions. And you can see the period of application. So generally they apply in summer, so these are not year around standards.

Then on the right you'll see something called "Related Assessment Information." These are other types of information that we use to assess nutrification in streams that we're not proposing as standards per se, but would be used in conjunction with the nutrient standards in an assessment methodology that the Department has already developed in order to assess streams on a case-by-case basis.

So they kind of are ranked hierarchical in that we have the coarsest level is Level III ecoregions that you'll see at the top, the Northern Rockies, Canada Rockies, Idaho batholith, etc.

Going down, if there is a group within

the Middle Rockies or another ecoregion which needs to have criteria set out for its own area because the streams are different in that region, we've done that. For example, if you look, you'll see the Middle Rockies about four lines down. The criteria there we are recommending are 30 TP and 300 TN.

But immediately below that there is something called Absaroka Gallatin Volcanic Mountains. That's actually a subregion within the Middle Rockies, and it has much different standards, as you can see. The total phosphorus levels are much higher. In that case, that's because natural background geology leads to higher natural phosphorus levels in these stream systems, and we've identified that.

So the way it works then is the Middle Rockies, Level III or the coarse levels ones are shown in bold; and immediately below that in italics, if there is shown something, that means that that's a subset of the previous.

You can see once we get to the northwestern glaciated plains that the numbers change considerably relative to western Montana, especially for nitrogen. Plains streams are very

different ecologically, and that is reflected in the kind of criteria that we're finding are appropriate for them.

You'll see, like for example underneath the northwestern glaciated plains, there is a whole series of small scale ecoregions: The Sweetgrass uplands, the Milk River Potholes, etc.

These are basically the transitional zones where the Rocky Mountains spill out onto the plains, and the streams there are kept kind of a transitional nature between mountainous streams of western Montana, and the plain streams of the east, and the criteria kind of reflect that because generally the concentrations we're finding appropriate for them fall sort of in between the two. So that's kind of the basis for the ecoregionally based criteria.

Next we have individual reaches for wadeable streams, so because the ecoregion system is not perfect, and we know that not every single stream in an ecoregion is going to fit the pattern that is common to the ecoregion, there are cases where we need to break out different criteria for individual streams, and we've done that in some cases.

Why that occurs varies. For example, Flint Creek is highly influenced by Georgetown Lake. Georgetown Lake has a bottom water withdrawal, which leads to higher phosphorus levels in the stream throughout the year.

And you can see, for example there we're suggesting that the criteria for that be 72 micrograms total phosphorus per liter. That's about half of what the Middle Rockies value is typically. So that's one case where a large water body, upstream water body, is influencing the water quality of the stream, and that's reflected in the standards.

In other cases, for example some of the East Gallatin River and Bozeman Creeks, these are directly influenced by the phosphorus deposits that I mentioned upstream, but the streams themselves lie in the middle Rockies. They lie downstream. And so essentially what we've done is accounted for the mixing of this higher phosphorus water with lower phosphorus level water, and derived the criteria that's appropriate for those streams.

Most of you will remember, or some of you will remember that the Clark Fork River had

standards adopted for it in 2002, both for nitrogen, phosphorus, and Chlorophyll A, and that has been moved from the rules -- which is where it's currently housed -- into the Circular, so that all of the nutrient type standards can be in one place.

And the first place that's mentioned here is at the bottom of the individual reaches where it says, "Clark Fork River, Warm Springs Creek, confluence to the Bitterroot."

The one thing that's different about the Clark Fork is that -- and that's what that "N" note six is -- is that they will be, unlike the wadeable streams, we've already adopted algae standards for the Clark Fork River, and those will be retained going forward, so that kind of makes a bit of an exception relative to the wadeable streams that we've got shown here.

Finally we have individual reaches for large rivers, and this piece of the Clark Fork River is a large river by our definition, and you can see it there. And then we used a water quality model to derive numeric nutrient standards for two sections of the Lower Yellowstone River, from basically Forsyth to the state line, and

their standards are shown there.

MR. SMITH: Is there a map anywhere that shows these ecoregions? I'm not familiar with everything.

MR. SUPLEE: Yes. There's a lot of them out there. They're online. We have them in the Department. Maybe it would be smart going forward to have a map included in the Circular someplace.

MR. SMITH: Yes, because I don't know from like Kalispell to the Northern Rockies, but it may be the Canadian Rockies. I'm not familiar with the ecoregions of the state.

MR. SUPLEE: There is, and I'll make sure that that map is included going forward. That would be a good addition.

MS. BUCKIN-SANCHEZ: I have a question as well. Is this just for three months of the year then?

MR. SUPLEE: Yes.

MS. BUCKIN-SANCHEZ: So could a discharging system just not discharge for three months?

MR. SUPLEE: Yes. That's actually an option that some dischargers are considering, go to land application for the summer or these sorts

of things.

We have other types of standards that relate to nutrients that are year around, and they are either based on toxicity of fish, or they're based on human health. But these criteria where the concentrations tend to be much lower are really designed to control the effects of nutrification, which is summertime growth of excess algal growth plants, which can lead to dissolved oxygen problems, pH change that harm fish, and those sorts of things. So that's where they're constrained to that summer period.

That is also how the criteria were originally adopted on the Clark Fork River, and it seems to be working rather well down there. They're definitely seeing improvements in that area.

MR. SMITH: Since I'm new on this -- I know you guys have been covering this for the past year -- The TMDL studies, are they only for summertime, or will they be year around standards?

MR. SUPLEE: The TMDL's have to reflect water quality standards, not the other way around. So a TMDL, if they were to have a nutrient standard in it, would be reflective of a

summertime application.

MR. SMITH: So as far as we know right now, there is no standards for the winter time?

MR. SUPLEE: Not for these type of standards. There are for human health and for ammonia, but those concentrations are considerably higher than this, and they're based on --

MR. SMITH: They're similar to what our current permits are then.

MR. SUPLEE: Exactly.

MS. WILLIAMS: The river breaks entry where there is none recommended, can you explain that a little bit.

MR. SUPLEE: Sure. There is a region -- Basically if you go to Miles City, have been to Miles City, and you've seen a lot of that dissected country up there, or you have been through the Missouri Breaks, seen a lot of that highly eroded areas that run along each side of the Missouri over there, those have been identified as the Missouri Breaks.

We have eight reference sites distributed throughout those areas, something on the order of 30 total nitrogen and total phosphorus samples collected between those eight

reference sites.

And there the concentrations that we see naturally in these reference sites are considerably higher than the highest concentrations that we have -- any kind of a cause effect relationship even in the plains. We see little to no algal growth almost, no macrophytes. Sometimes we see phytoplankton blooms, but that's pretty rare, usually in September.

And whenever it rains out there, the stream are washed by extremely high turbidity, very turbid water, which flashes, and then a series of disconnected pools are usually left which will persist for anywhere from days to weeks or sometimes all summer.

And when we looked at the concentrations, they were so high, there was nothing that we could -- that I personally as a scientist could come up with to recommend as a number to protect something.

The conditions there are already so extreme that the fisheries and all that is probably much more hampered by turbidity and physical constraints than any kind of biological growth or excessive plant growth. You just don't

see the plant growth.

So for that reason, we basically, or I personally -- since I'm the one that developed those -- suggested that we don't create any for that region.

MS. WILLIAMS: Just a suggestion. I don't know if it is correct, but instead of none, I don't know if we would want to say that "Other standards apply," or something. It almost looks like there is just no treatment at all or something. Just a thought.

MR. SUPLEE: Sure. Maybe we could rephrase that. It is a fact that all the other standards that we have, like total nitrogen or the nitrogen criteria for nitrates for human health apply there, or ammonia would apply there, but nutrification based criteria, I don't think. So if you can come up with some wording that you like better, I'd be happy to change that.

MS. WILLIAMS: Just for the public understanding, I think.

MR. SUPLEE: Okay. Any other general questions pertaining to the criteria themselves, at least the wadeable streams and rivers?

(No response)

MR. SUPLEE: One thing that I would want to point out. Sometimes this is a little bit of a myth busting exercise. Some people have the impression that these criteria are so low that we'll actually diminish or hamper the fisheries.

In fact, most of the reference streams that we look at, something on the order of 80 to 100 percent of the samples that we collect in reference streams where there are trout fisheries, etc., have concentrations lower than these.

So what we have found is the scientific literature tends to show that at these concentrations, you are going to get just about a peak fishery. When you start to go beyond these concentrations, then you start to move into the area where excessive algal growth and excess plant growth leads to dissolved oxygen problems, which begins to impact the juvenile fish, pH changes, etc.

So nutrients are one of these odd kind of standards where none is bad; and when it is just right, it is good; and then too much is too much. And so the criteria tend to be set somewhere near that threshold of just right in terms of fishery production.

So if we do have streams that are currently above these, and we restore them down to these levels, you will not see a fishery collapse, I guess is what I'm arguing. The scientific literature shows exactly the opposite.

On the other hand, if you have streams that are very much cleaner than these levels, and you increase the levels up to these concentrations, you will see changes in the basic bio and flora that could be -- depending your point of view -- considered an impairment or not. It all depends on what your viewpoints on that is.

So that's the river and stream criteria, and they are -- I think I'll jump over for a moment just to the rule package.

So in the rule package, those DEQ12 criteria are incorporated in a couple of places. Most of them would all make pretty much sense to you. They're incorporated by reference, so that we have a dated version of the circular referenced in our rules. And as we make updates to the circular, we can just change the date there.

DEQ12 is then incorporated throughout the classifications -- A-1, B-1, B-2, B-3 standards. In all those places where we refer to

the different stream classes, the circular has been incorporated. And that's the main places where we talk about DEQ12 in the rule package. So it is basically just -- you can kind of think about it as being incorporated alongside of DEQ7 as part of our numeric criteria.

The one exception to the way it's written is -- and I'll get into that detail in a second. It will be better to explain it when we get to the variance part, so I'll come back to that.

So that was wadeable streams and large rivers. And by the way, work is ongoing on large rivers for the state as we speak. Right now, this summer, we're working on developing nutrient standards for the Yellowstone River from Livingston down to the Big Horn River, and so that would affect the Billings/Laurel area and all of the facilities through there. But that's going to be a year or two out before we have those criteria developed.

On Table 12A-2, which is on the next page on Page 4, we have a table which is a place holder for lakes and reservoirs. Right now we only have a single lake that we have in here as

for criteria, and that's Flathead Lake, and that work is based pretty much exclusively on the twenty plus years of work that the Flathead Lake Biological Station has carried out, and these are criteria that we have discussed with them and they have recommended to us. So it is very similar to the other standards.

We have numeric standards for total phosphorus, for total nitrogen, and we have another set of standards that we have added which are unique to lakes. You'll see that. It says "Other standards." You'll see there is a standard for secchi depth, so that's water clarity; also a standard for phytoplankton chlorophyll levels, so that and water clarity are closely linked in lakes.

Then on the far right, we again have related assessment information, and that pertains to some soluble criteria that they have suggested are valuable as an assessment for the lake.

But the actual standards would be the five micrograms TP, the 95 micrograms TN, and the secchi depth and the phytoplankton. And these, unlike the criteria for streams and rivers, these apply year around, so these are year around

standards.

Any questions on our fairly limited lake standards? We are continuing to work on lake standards, but they're still several years out. We've put more energy on rivers and streams through the program.

The next table there is just Required Reporting Values for total nitrogen, total phosphorus, for people that are going to be having compliance regulations, etc., associated with meeting these standards, and those are the levels that they need to achieve by their labs. We've already vetted those, and Amy has worked on deriving many of these, using the same processes that are used in DEQ7.

And then in the next part in 2.2, we briefly discuss how permits are to be developed, and essentially what we have done is we've taken existing parts of the permitting process that are most relevant to chronic type criteria, and apply it to the nutrient standards. And we've also established a low flow period against which permits are developed. That's that seasonal 14Q-5.

Now, in DEQ7, we usually do a -- what

our low flow is for 7Q10. And we've done a significant amount of analysis to figure out what would be an appropriate low flow for nutrients, and we've come up with 14Q5 as our recommended flow, and it is a seasonal flow. So again, it's based on that summertime period. So the data that are used to derive that flow only apply in the summertime.

MS. WILLIAMS: That's the fourteen day, 5 percent?

MR. SUPLEE: Yes. It is the fourteen day low flow that occurs on average every five years during the summer.

So any general questions on -- So that's really kind of all the most important parts of Part A, which is the part that the Board would adopt. So the Board will have to look at Part A and decide if the criteria seem appropriate to them, and the permitting process we've derived is appropriate, etc., etc. That's all their purview, and that ends at Part A.

MS. WILLIAMS: How does it work -- Is that sort of a work in progress? You're going with a rule package, but you've got some place holders, and then the large rivers are still being

worked on. So what's the relationship there?

MR. SUPLEE: Well, I think you could probably apply that argument to all water quality standards. Every couple like three years, we come and we say we have an update to the ammonia standard, we have an update to this. So this whole process is always ongoing.

And so we just recognize that the Department continues to work on developing criteria for large rivers. We've recognized that those are best done case-by-case, and that takes time.

And so we will just come forward in the future, is my assumption, and some of these place holders would fill with appropriate criteria to pass before the same process through WPCAC, through BER, and proposed for adoption, but it is not going to happen -- this is going to spread out over quite a few years. But we have --

I think what we did is we've reached the point where we have such a large body of work done, especially for wadeable streams, that we felt that the package was pretty comprehensive, and now we're filling in gaps. That's not necessarily true for the largest rivers -- I mean

there is a lot of large rivers out there -- but the time involved to develop those standards is substantial, and so it is just going to have to take more time to get those in place.

Any other questions about Part A that any of you want to discuss or go over on Part A?

CHAIRMAN SELCH: Mike, when you get to like the reservoirs, I assume it is a year around standard, but there's probably going to be specific, like the rivering, transitional --

Like are you going to separate out the riverine, transitional and lacrustine zones, resrevoirs? Are you going to separate those zones? Are those going to be kind of tied into the large rivers? Because typically that's that --

MR. SUPLEE: Yes. We've been talking about that. Our first targeted large reservoir to work on is Canyon Ferry. Canyon Ferry, the main issue I think is not toxic, but nuisance algal blooms almost every summer. Some of those have taste and odor issues associated with them as well, and so we'll be looking at that. And it may result that it is a loading type of standard, which is a possibility.

So we're going to use a water quality model, and we have all of the water quality data we need from the Upper Missouri, and we've been working on that for one or two years now, to piece all that together. How that standard will actually look I'm not quite sure yet, so we may have it divvied up as you suggest, or it might be a load.

Loads have been used traditionally going back to the 1960s as an alternative to an actual in-lake standard.

MS. NEUMAN: Is there anything on the Missouri?

MR. SUPLEE: Where we're at on the Missouri is we collect the data on the Upper Missouri, so that would be Three Forks to Canyon Ferry in ten and eleven; and we are working to develop the model now. So there is nothing here because the data then has to be put in the model, calibrated, validated, double checked, and ultimately a number will come out, kind of what we've done for the Yellowstone River. It's probably a couple years out. So we do have the basic data set available to begin to work on that.

MS. NEUMAN: Thank you.

MR. SUPLEE: So that's the criteria. All of them, to the best of the Department's ability, science based.

And then we come to Part B, which is the implementation part. And I think I've mentioned this to this body before, is that we realized quite early on that these stringent standards were going to be difficult to meet, and had the potential for significant economic impact to the state if they were to be met right away.

And so we began working around 2006 to try to figure out how to implement these in a more phased manner, and looking at the existing laws that are available for water quality standards, and how that would work.

We ended up working through a variance process, and essentially that means that a person, if they can't meet the standards at the end of their mixing zone, simply the amount of dilution available, they can apply for and will receive a variance if they can meet certain statute defined, basically mechanical treatment levels.

So those were defined in 2011, and we have those established in statute, and they're based by group. So if you are a discharger that

is greater than one million gallons per day, and you can meet one milligram TP and ten milligrams TN per liter, then if you can't meet the standards, but you can meet those, then you can operate under those treatment levels for a period of time up to twenty years. It is another level for the smaller plants.

Then for lagoons, since we really don't know how -- There isn't really any real good technology out there right now for a lot of lagoons. We have them on a maintain current status type approach at this point in time.

So the way it would work in terms of permits is a person would come in, once these standards were adopted, and Permitting would calculate what the permit limit needs to be based on these criteria.

If they happen to be a small discharger into a big river, and the criteria are fairly reachable, then they might be able to achieve it right then and there. The Clark Fork River in Missoula is a pretty similar case. They're pretty close to achieving, or right at achieving these sorts of standards right now.

On the other hand, if they are a bigger

discharger into a smaller water body, and there is not a lot of dilution, they may do the calculations and determine that they're going to be considerably above the concentrations here; and then at that point, the permittee can apply for the general variance if they can meet those other levels that we defined. And there is other aspects to it as well.

So that's the general variance, which is the most broad, over the -- broad reaching. And essentially if you can achieve those values, and you can do that, then you will get the general variance. The statute is very clear about that.

There are cases where individual dischargers may not even be able to achieve the general variance concentration defined in statute. They may find that too expensive for their particular community and their particular situation. They can apply for individual variances, which is an economic demonstration that if it's going to cost them too much, and if it is approved by the Department, then they may be able to discharge at even coarser levels than the general variance concentrations in statute.

So that's kind of the two major types of

variances, and a lot of that is discussed in New Rule 1. So New Rule 1, going back to the rule package itself, really is kind of the heart of the entire rule package in terms of how the Department is going to handle intermediate levels of treatment until the time that the standards are met, which we presume will be twenty plus years down the road, except in those cases where they can be met sooner.

Has everybody has a chance to read through the rule package? Was there anything specific -- There is a lot of moving parts to it, so I thought maybe at this point I might kind of open it up to questions, or we could go through this little flow chart if we wanted to. I kind of wanted to see how that would work the best.

MS. BUCKIN-SANCHEZ: Mike, I appreciate all of the work and time that has been taken with the nutrient group, and I think it is all intricate and related. I have two comments, and maybe the work group has gone over these before.

One is: I'm finding in my work that there is confusion in the general public, maybe even consulting engineers, and certainly with town councils, some confusion about -- that it is not a

waiver, that it is a variance. So that's one item. And I guess that just takes working with people, and helping the public in general to understand that it is a variance, not a waiver.

MR. SUPLEE: What would be a distinction would be if they thought it was a waiver, it just means that those numbers --

MS. BUCKIN-SANCHEZ: The perception that I'm hearing is that you can apply for this variance and then you --

MR. SUPLEE: You're done.

MS. BUCKIN-SANCHEZ: You're done.

MR. SUPLEE: Which is not the case.

MS. BUCKIN-SANCHEZ: You can't solve that overnight. It is just a matter, like anything, like DEQ working with the public.

The other comment I had is on the economic impact or -- what do you call it -- the measure of whether it is feasible economically at this point with the triennial review.

That's going to depend on the loan and grant package that the community can pull together, because you won't know the economic impact until you have that loan and grant package. And in order to do that, you'll need to, the

community would need to apply for funding. And a lot of the funding is on a biennial basis, so to come up every three years with a report that talks about the economic impact, the community would actually --

How would that work? Would they have to actually apply for the grant, or would it depend on what they've gotten, or -- Help me through that part.

MR. SUPLEE: Sure. So we're talking about individual variances now. So this would be a community that says -- Their permit comes up for renewal. Permitting says, "Here is the number you need to meet at the end of the mixing zone," and they indicate they can't meet those. So then Permitting says, "Okay. Well, can you meet the general variance numbers? Can you meet two and fifteen?," for example. "We can't meet those either. It's really expensive."

So at that point their option is they can -- We have a whole series of tools available where they can -- we would work with them on this -- fill out information regarding the cost to achieve some level of improvement. And once it has been demonstrated that trying to meet the

standards is too expensive via this demonstration then -- Okay. Go ahead.

MS. BUCKIN-SANCHEZ: So the cost is based on no subsidization, no grants, no loans.

MR. SUPLEE: Right. And then they would look at that cost, and then if they can demonstrate that that would be a problem, that really is a financial burden for them, then they can apply for the individual variance, and establish a different, more coarse concentration that they can get to.

And that can be based on probably some kind of a percentage of median household income -- something like one to one-and-a-half percent MHI is generally the rule of thumb that would be used -- to determine what that cost cap ultimately would be, in other words, what the facility they actually will build would look like.

In the interim time -- because a lot of times, like I said, there is delays, and there is grants coming and going. Permitting has -- they can put people on compliance schedules while a lot of these things get worked out, so they will never be operating or not operating under a permit during that time.

MS. BUCKIN-SANCHEZ: I understand. Thank you.

MR. SUPLEE: Other questions about individual variances?

MR. SMITH: One of the questions that's kind of out there is: How does your one percent, one-and-a-half percent, compare to the target rate that the Department of Commerce uses for your rates, that a community that -- 50 to 55 percent of your people in a low to moderate income has a target rate. How does that one to one and a half percent compare to the target rate?

MR. SUPLEE: The target rates for --

MR. SMITH: They're for grants and loans.

MR. SUPLEE: They traditionally use I believe .9 percent MHI, and that's the target rate for water, and water, and wastewater. So that's the focus up in the SRF program and stuff. When they're figuring out who gets grants and loans, that's their target. So it is higher, but it is close.

MR. SMITH: Because right now they want you to be at or slightly above your target rate to compete for grants and loans. So any of these new

standards for most of these communities following these rules are already at that one to one-and-a-half percent.

MR. SUPLEE: So it would be a case where if it was concluded, for example, that to move from the current facility to another facility that isn't even at the general variance level, but just something better, would cost 2 or 3 percent MHI, then the Department would not require them to do that upgrade. It would be too expensive. That would be in the case of an individual variance.

MR. SMITH: Right.

MR. SUPLEE: So maybe -- I know that a lot of people have found this complicated, so maybe it would be useful to kind of walk through this flow chart, and it kind of explains to people what the options will be looking like going forward.

So this little chart is called, "How will my permit change as DEQ updates concentration requirements for a general variance?"

So the statute basically has said that every three years we have to look at those concentrations that were established in statute, we have to adopt those; but then we have to look

at them and say, "Are those still appropriate? Do those still represent an appropriate level of technology for removing nutrients, or has the technology changed, and become cheaper, such that maybe we should change them to something more stringent as we kind of ratchet and work our way down towards the standards?"

So under the assumption going forward that we do at some point in time make those concentrations more stringent -- Let's say the one and ten, for example, changes to .5 milligrams TP and eight milligrams TN per liter. Let's say we do that in 2019, for example. So then the question is: How would that affect me as a permittee?

So that's where in this little box here, if you look in the upper left-hand corner where it says "Start." So circa 2016, the reason that's in there is that's the date when the numbers defined in statute sunset, and then they become Department rules or we update them to some other numbers, the general variance numbers, the treatment levels.

So at that time, permittees will either be meeting the standards -- like for example on the Clark Fork where they're pretty much already

doing that -- they're meeting a general variance, or they're in compliance to do that, or they may be meeting an individual variance or on a compliance schedule to do that.

That would be the general place that folks would be by 2016, under the assumption that the standards would be adopted within a year. If the delay is longer, it all pushes forward, but under the assumption that -- because by then almost every permit will have been looked at since they get looked at every five years.

So we do our review, and let's say 2016, 2019 comes along -- following the arrow down -- DEQ reviews the general variance categories every three years. The three year review indicates there are more cost effective and efficient nutrient removal technologies for a particular discharge category greater than one MGV or less than one MGV.

If no, then we just carry it forward. So in other words, if nothing has really changed out there, there is no new technologies, the costs really haven't changed that much, the one and the ten, and the two and the fifteen may stay static for some period of time.

However, if there is something out there that we know can be implemented and it's workable, then the Department would go ahead and update those categories, and then Permitting would look at all folks as their permits sunset, that are operating on a general variance, and say, "Okay. You guys used to be able to operate on a one and ten. It is now .5 and eight. Can you achieve that?"

If it is yes, they'll make those changes, get them in place on the facility. But if not, they do have a number of other options, and this kind of gets at where those options come in.

So if you look in this big square box over here on the right-hand side, up at the top it says, "DEQ updates the general variance treatment level for one or more categories. Am I required to meet the updated treatment levels?" You are unless, one, it is too costly -- in which case you can apply for an individual variance, which we talked about.

Number two, the facility moves to a zero waste load allocation, nondischarge in the summer -- I think, Karen, you asked me about that. Can a

person not discharge during the summer? Yes. Then that is actually a pretty realistic option for smaller communities in eastern Montana who have a fair amount of available land, where they can grow crops, wheat, or alfalfa, at least for those few months. So that's a possibility.

Another change that could occur is that there may have been enough cleanup upstream in nonpoint source in a perfect world where there is now assimilative capacity, in other words, there's enough dilution in the river to be able to allow you to meet the standards at the end of the pipe, so you wouldn't need a variance.

In some cases the TMDL may conclude that the discharge is just not a significant part of the problem. You may be a very small discharger into a highly agricultural watershed where it is demonstrated that most of the nutrients are coming from ag runoff, for example, in which case they might just give you a very low or nonexistent waste load allocation.

So that's another case where you wouldn't need the variance because they have basically approved a low value. In other words, status quo is acceptable for your facility. There

has already, I believe, been one case like that for metals TMDL, if I understand correctly.

And then the fifth one there is the upgrade to a new -- to the upgraded general variance treatment level would not result in overall environmental improvement and progress towards the standard.

So a number of the larger communities have come to us and said, "We can bring down phosphorus levels pretty fast and efficiently. Nitrogen is expensive for us. So what happens if we have either empirical data from the river or modeling data that show that we can get the same effect in the river by knocking down the nitrogen -- or the phosphorus than we would if we put down the nitrogen and the phosphorus? What would you guys think of that?"

We said, "Well, if it is good data and it's a good model, we would accept that." So that would be yet another option, kind of a slight variation on the individual variance, that has been very important to the large wastewater dischargers to have that option available to them.

We're talking about Billings, Missoula, large communities that would probably have money

and time to hire a consultant to actually develop these sorts of models. This is not something that would apply to Ekalaka, for example.

But for the bigger communities, it may be the most prudent and efficient use of their money to make sure that we get the river cleanup without spending money on problems that maybe they can't make big difference if they change their ways anyway.

All of this, as you guys know, is predicated on the idea that roughly twenty years out the standards will be met. Whether that actually happens is going to largely depend on how well the engineering community begins to work on and improve some of these treatment systems.

There is a lot of things that are sort of out there in beta testing -- I guess is the right term -- that could be applied. They can bring nutrient levels down far lower than what current facilities are doing. And so the Department is sort of banking on the idea that those will evolve to the point where they can be applied, and so that's why this variance process essentially buys time, and we don't expect the standards to be met overnight.

And there's still the possibility at the end of the twenty years that if you can't meet the standard, then we may have to go back to the Legislature, but there is still a possibility that we could extend the variance process so it goes even further, if it appears that technologies are changing and progress is steadily being made, or --

And this has generally been the final option that the standards section would go to. You can revisit the beneficial uses of the river or stream, and reclassify them to something lower if they cannot meet the standard to set them at basically existing conditions.

We've been hesitant in Montana to do that. We do that very infrequently because our view is it makes sense to try to fix the problem before you simply just give up, and that's essentially what this whole process, as complex as it is, is attempting to work towards.

So I guess I'm done. I know there is a lot of stuff in here, but I'd be happy to answer any other questions on any of this that you may have regarding this whole package.

One last quick thing. I did not go over

the guidance document, but essentially this guidance document has two pieces. One, it talks about, "How do I apply for and fill out information for that individual variance?" that we talked about earlier; and then it has a part in the back that talks about, "How do I go about developing that model or collecting that data if I think that phosphorus is more important than nitrogen? We can get to the same place by just treating one." That's what's in there.

MS. WILLIAMS: We've had this conversation before, but as you mentioned, this is banking on the technology improving. So what incentives are there in place for programs, or DEQ, or otherwise, to try and move that along?

MR. SUPLEE: Well, I guess there is several things that -- George, when he comes and talks, he often talks about the nutrient package, which is not just the standard, so I'll do my best to cover that.

But some examples would be: If these criteria are adopted, then in 2009 there was -- I believe it was Senate Bill 200 that was passed, which is the phosphorus ban for laundry soaps. That would be instituted at that point once these

standards are adopted.

Right now that law only applies along the Clark Fork Basin, because that's the only place there are nutrient standards. But in the rest of the state, it would go into place. And many manufacturers of laundry soaps are already -- we're talking dish soaps, not the other types of soaps, so dish soap -- have already begun to remove phosphorus from that.

Historically that has proven to be an extremely effective way, one of the most effective ways to knock down excess phosphorus levels in rivers and streams, not to have it get to the facilities through people's gray water to begin with. So that would be -- that's one thing that would kick in by having this in place.

We believe that the incentive would be that ultimately since people are looking towards meeting a standard twenty years down the road, there would be naturally a sort of a drive to come up with those technologies to put in place because of the incentive for profit from the engineering community, especially if this becomes more and more widespread.

I know there are already some startup

companies right here in Montana who are looking to see if their systems can ultimately be put in place for this.

And there are other things that the Department has been working on, including reuse and recharge rules. Water reuse has been made more easy to implement in big cities, so that tends to allow people to reuse their water, and so therefore that's another approach where the water never gets back to the river, gets reused for people's lawns, and those sorts of things. So that's a partial answer.

Other questions pertaining to the overall process? Is there any real strong confusion on how it generally works, or do you mostly kind of see how this pieces together?

MR. TYLER: This is coming up as an action item next meeting, correct?

MR. SUPLEE: That's the plan, yes. Right now the plan is to assuming -- we have another Nutrient Work Group meeting the middle of next month, and then it would be an action item on -- Unless we hit a derail, it would be an action item on -- The next meeting is the 2nd of November, I believe -- and then it would be

proposed to the Board for rulemaking on December 7th.

Right now really one of the biggest -- We've gotten a lot comments back from the League of Cities and Towns, from industry, from railroads, a lot of different people who have been working with us on the Nutrient Work Group; and right now, one of the bigger hangups is nondegradation, because we're talking about fractions of small concentrations.

And we're actively engaged right now with some of the experts in the mining industry about blasting to find out what kind of improvements can be made, because large concentrations of nitrogen often come out of mines, and it turns that there is probably a lot of room for improvement there, just by BMP's of the mines.

So we're kind of learning about that, and we plan to have further discussions with those folks, because that's a pretty big concern. They often operate in small headwater streams where the concentrations are low.

Yes, so action item as of November, yes. And I think ideally unless we see huge changes,

what you would be taking action on would be like pretty much what you've seen here, as far as we know, because a lot of the comments from our stakeholders and from EPA have already been incorporated into this version.

MS. NEUMAN: I have just one question on downstream states that use our water. Are you familiar with any of their variance rules or guidelines or --

MR. SUPLEE: In terms of downstream states -- Well, Colorado is not a downstream state, but they are a regional state who have adopted some nutrient standards, and their process is a little different than ours. If we need to explain it, I'll have Tina do it, but --

MS. NEUMAN: -- (inaudible) -- on the Missouri -- (inaudible) --

MR. SUPLEE: We've actually heard very little from our neighbors. So for example, North Dakota is the recipient of the Missouri/Yellowstone. We have criteria for the Yellowstone that go right up to the North Dakota border.

I've spoken directly with their standards person, we've sent them emails and

letters, and we've gotten nothing back at all. So apparently they're not worried about it, they're not concerned with it, or they're worried about other things, but they don't seem to be --

MS. NEUMAN: (Inaudible)

MR. SUPLEE: Well, the interesting thing about the Yellowstone is that the concentrations that we're suggesting are considerably higher than the river's current status. The concentrations that the river is at right now are considerably better than the criteria we recommend. So they would, in theory, if it ultimately went up close to the standards or somewhere near the standards, they would see worse water quality.

MS. NEUMAN: Then we're doing a pretty good job.

MR. SUPLEE: We haven't heard anything from them, so I guess it's okay as far as I'm concerned.

MS. WILLIAMS: And EPA has approved the State's approach?

MR. SUPLEE: They have said that overall the approach that we have put together -- which includes the standards, the variances, and everything -- is I would say probably 95 or more

percent acceptable. I think there's a few little tweaks here and there, but they're getting down to really minor issues.

My understanding is the peer review for the actual criteria just came back yesterday. EPA sends it out to academics in the environmental science world, and have them review these things, and they came back quite favorably, is my understanding. I haven't seen them yet. But the overall package, variances, and all that, yes, is largely accepted by EPA.

MS. WILLIAMS: Do we get an official acceptance before it goes to the Board, or how does that work?

MR. SUPLEE: Well, probably not. My guess would be -- What we're trying to do is get everything worked out up front. So I don't know if they would actually send us an official acceptance up front, but I think we would know for sure if there was a real deal killer from EPA's perspective well before we went to the Board. So far it doesn't look like there is any.

And then once the Board adopts, and then it goes to EPA for official approval, that's when they would have to really -- that's their point in

time to either accept or accept with qualification the standards and the standards package. But so far -- Tina, do you want to speak to this at all?

MS. LAIDLAW: I think you represented it well. We've been working closely with the Nutrient Work Group and with DEQ to resolve any concerns we have, and as Mike said, there's still some fine tuning we're doing, but for the most part we think that the State has done a really good job in deriving scientifically sound criteria, and developing the implementation of, and addressing the implementation approach that will hopefully comply with the EPA regulations.

So we wouldn't take any official approval action until we've received the package from the Board from DEQ.

MR. SUPLEE: Any other questions or comments that I can go over?

CHAIRMAN SELCH: Thanks, Mike. I appreciate it. We'll take a five minute break and we'll hear from Rod. Back at 11:07.

(Recess taken)

CHAIRMAN SELCH: We'll get rolling here again, everyone. We have got Rod up next here talking about the DEQ7 updates.

MR. McNEIL: Thank you. Mr. Chairman, members of the Council, my name is Rod McNeil, and I'm with the DEQ in the Water Quality Standards Section.

You recommended that we take new DEQ7 to the Board back in April, which we did. We recommended to bring it forward as an action item, and proceed with rulemaking. We held our public hearing on July 12th, and took public comment.

We received about dozen public comments, pretty limited given how much stuff is stuck in DEQ7. And in reviewing those, we found that only three of the comments really indicated that we should reconsider what we had originally done with DEQ7 in terms of changes, and those are what I'm going to discuss with you.

First we had reclassified cadmium as a carcinogen. We did that for reasons that the portion of the exposure by contact or inhalation is considered through aerosol exposure, so the dissolved cadmium in the aerosol does have a carcinogenic component when calculating the inhalation carcinogenicity of cadmium.

However, that can't be used independently. We discussed this with the experts

on cadmium and the EPA, and they didn't feel it appropriate for ingestion purposes to use that same cancer slope index. So we did decide to revert the categorization of cadmium from carcinogenic back to toxic.

The impact on this, the numerics haven't changed at all, so this would change basically the application of cadmium in terms of nondegradation. Otherwise it would not have any impact.

Tetrachloroethylene was another compound that we had changed the classification. Part of the process when we go through and review DEQ7 was to check what's called IRIS, the Integrated Risk Information System which EPA has, to see that we're reflecting the most current scientific information.

And when we did that in about November of 2011, the classification of tetrachloroethylene -- also known as PCE -- had been changed from carcinogenic to toxic. And so that was the rationale for making the change.

But then in February of this year, new information was published, again in IRIS, which indicated that it was in fact carcinogenic, and we reverted back to that. So we feel that it is

appropriate to leave tetrachloroethylene as carcinogenic.

The third area where we received several comments related to our mentioning DEQ12 in DEQ7. A number of people felt that this in doing that was premature, and that it created undue pressure to accept DEQ12. We were just trying to keep things in line, and mention things, keep the process rolling, avoid having to do this on an annual basis.

DEQ7 is a lot of information, and you don't want to have to spend every year updating it. We hope to eventually get this to a point where it's updated in a triennial review fashion, because just about the time people figure out where everything is in DEQ7, we change it. So they would prefer that we left it alone for at least a little while.

So we basically agree, though, that it is probably premature to include DEQ12, so we've retracted mention of DEQ12 from DEQ7, and reinstated the narrative nutrient standard footnote, which is Footnote 8 in DEQ7, so that the narrative standard is referred to. Regardless, the narrative standard would have been in place in

any case, but now we've just put it back in temporarily.

And then Mike will come along and with his change in the rule package will eliminate some of the same stuff that we were trying to make mention of in DEQ7. So when the rule package is approved, the process for DEQ12 will put back into DEQ7 some of the things that we were trying to do, some people felt prematurely.

So those are really the only changes from what I've covered with you previously. If you have any questions about those, or any of the other comments that we have provided you with copies of, I'd be happy to address them.

Our plan is to take DEQ7 to the Board in September for a final rulemaking approval, and this would then be published in October. And the package that you received a copy of as you came through the door is the new DEQ7 in DP2 format to meet Department requirements, and we've gone through innumerable reviews to make sure all of the numbers are right, and all the letters in are the right places, but it should be very close to this as you see it finally published.

Are there any questions?

MS. BUCKIN-SANCHEZ: I want to ask. DP2 format.

MR. McNEIL: It is a Department standardization format for how all written documents are to be produced. It standardizes everything, from justification, to capitalization requirements, and font, type size, everything. So it is a big thick document that I have yet to fully comprehend.

MS. BUCKIN-SANCHEZ: Like the manual they give you to write your thesis or something.

MR. McNEIL: Yes, sort of like that, but written to follow State regulations.

MS. BUCKIN-SANCHEZ: Then I want to say thank you very much for providing a copy of the public comments so that we can see what the public comment is on it. That's helpful.

MS. WILLIAMS: Yes, that is helpful.

CHAIRMAN SELCH: Any questions for Rod? You're just bringing this to the Board, so you won't be bringing this back in front of us?

MR. McNEIL: No.

CHAIRMAN SELCH: I appreciate it. Thank you, Rod.

We just have one brief action item

today, and this is a resolution of thanks that Dude brought up at our last meeting. I appreciate his willingness to put this together because number one, I don't think I've had time in the office, and more importantly I don't have the ability to write like this.

So I think Dude was going to read this, I guess, first and foremost to the Council, since his name is on the agenda.

MR. TYLER: Thank, you Trevor, and the authorship goes to the staff by the way. Correct?

MS. CRIDER: Amy.

MR. TYLER: Thanks, Amy. Well, my theory was let's get him a shotgun, but we're all broke, so I'll just read the resolution.

"Whereas the Water Pollution Control Advisory Council serves in an advisory capacity to the DEQ; and whereas the Council furnishes advice, gathers information, makes recommendations, etc., etc.; whereas Bob Bukantis diligently served the Department for 24 years, the last eight of which he was supervisor of the Water Quality Standards Section; and whereas Bob Bukantis served as the secretary to the Council for ten years informing the Council about Department matters

constructively, participating in discussion as the Counsel addressed the varied matters that came before it; and whereas Bob Bukantis has been instrumental in writing and implementing water quality standards of the State of Montana; and whereas Bob Bukantis has been a willing and engaged partner with the Council, and jointly working toward the improvement of water quality in the State;" and -- Does everybody have this? Do I need to read this?

CHAIRMAN SELCH: Yes, you do.

MR. TYLER: Okay. Most importantly, "Whereas Bob Bukantis was consistently a diplomatic, cooperative, and able working partner; and whereas Bob Bukantis has retired from employment with the State; therefore be it resolved that the Water Pollution Control Advisory Council commends Bob Bukantis for his dedication and hard work on behalf of the State of Montana; and be it further resolved that the Water Pollution Control Advisory Council does hereby extend to Bob Bukantis its sincere thanks and appreciation for a job well done; and be it finally resolved that the members of the Water Pollution Control Advisory Council wish him a most

rewarding and pleasant next phase of life."

"Adopted the 24th day of August," today, by us, if so moved and seconded and approved. And then so the ask would be for a -- I would hope to see a unanimous vote following a motion to approve this resolution of thanks, and then we were going to get it to the Governor to get it signed. And was that Amy's --

MS. STEINMETZ: I talked to Richard Opper, and he said that the Governor does not sign these documents that others produce. He will write a thank you, a little postcard, if we draft a couple lines.

I think the Council has a couple of choices. You can all sign it, put your names to it, we can have Trevor sign it certifying that it was produced by the Council, what happens; or you could write a couple of lines and have the Governor send a postcard as well as a resolution, but he won't put his name on this document apparently.

MR. TYLER: A challenge. So anyway, there you have it. Thank you.

CHAIRMAN SELCH: Thanks for reading that, Dude. Thanks for everyone that put that

together. If anyone has any additions or something they'd want in there, otherwise we're looking for a motion to approve the resolution, and I guess what we want to do, whether you want it to be signed on behalf of the Council, or if we all wanted to sign that and present that to Bob.

MR. TYLER: I would so move, and also will deliver it to Bob because he's in Bozeman quite a bit.

MR. WENDLAND: I'll second.

CHAIRMAN SELCH: Voice vote. All in favor.

(Response)

CHAIRMAN SELCH: Opposed.

(No response)

CHAIRMAN SELCH: It doesn't look like we have any members from the public here. And so I guess before Amy gracefully pointed out with Robert Rules that if it is a non-controversial topic that we don't need a motion to carry something. So for like agendas and the minutes, we'll probably just ask for comments, and if there is no objection, we'll move forward.

So the next item is just our agenda items for next meeting. We just heard that Mike

is planning on coming back to present the rule package for adoption. And I don't know if you've heard of any other agenda items.

MS. STEINMETZ: A couple things that have kind of been on the docket for awhile. One of them is CAFO. I don't know if we might get something here, a briefing item. That's Concentrated Animal Feeding Operations through Permitting. So I don't know if they'll come forward with a briefing item or an action item. I really don't know where they are at with that, but I do know that it's something that they're working on.

And also DEQ4, that's the subsurface wastewater treatment system. I heard possibly later this year for that one, too. Those are a couple that might be coming up.

MS. CRIDER: The calendar.

MS. STEINMETZ: We'll have to schedule the first meeting for next year at that meeting, and then we come back and do the whole calendar after BER schedules their calendar. We'll have to talk about it first.

MR. TYLER: I tried to get some traction on a field meeting in Williston or Sidney, and I

couldn't get any traction in here. I tried, too.

MS. WILLIAMS: I guess I would ask Amy if this might be a relevant agenda item. But I'm hearing -- There has been in the news that I get a lot of discussion about status of the Clean Water Act, and the extent to which it covers adjacent -- however that's defined -- waterways, and that EPA was just reprimanded by the Courts to not regulate through guidance.

So I'm just curious if that topic is relevant to the State, whether we could have a briefing on that, and then what the relevance is to the State. And it is too bad Tina is not here. So if you could maybe --

MS. STEINMETZ: I can look into it.

MS. WILLIAMS: -- check, or I can coordinate with you, check into that, because it seems like we're in a little bit of limbo, and I'm not quite sure what that means for Montana. I'd be interested in that.

MS. STEINMETZ: Is that something that --

MS. WILLIAMS: If others are.

MR. TYLER: What is the next meeting date?

MS. STEINMETZ: November 2nd.

MR. TYLER: I have a conflict. I will not be in attendance.

Amy, will you create a document that Trevor signs on this, or can he just sign what we have?

MS. STEINMETZ: I actually drafted something that is the same thing at the top, and then it says, "I hereby certify that the resolution was approved by a majority vote of the active members present at the regular meeting of the Water Pollution Control Advisory Council, dated this 24th day of August." So if you want to, you can sign this one.

CHAIRMAN SELCH: Do you want to present it like this, or do you want to --

MS. NEUMAN: Do you want to say unanimous vote?

MS. STEINMETZ: Yes. I can change that.

MR. TYLER: Does he still come into the office?

MS. CRIDER: I've seen him once.

MR. McNEIL: Rarely.

CHAIRMAN SELCH: I was hoping he was going to be here today because he took my new

technician out bike riding, and she fractured her clavicle, so I was hoping he was going to show up today.

MS. BUCKIN-SANCHEZ: Do we need money for a frame?

CHAIRMAN SELCH: I think I have one I can use, a brand new one that I had left over from another meeting. I have a real nice plaque we can put it in for him. I'll get that to you guys and get it going.

MR. TYLER: So you'll have it here, and maybe you can catch him in town, and give it to him?

MS. BUCKIN-SANCHEZ: Are you going to chastise him about the clavicle first, or give him --

CHAIRMAN SELCH: I'll let him off the hook. He was just a member of the team.

MR. TYLER: Can we amend the resolution to say whereas --

MS. WILLIAMS: Notwithstanding recent accidents.

Amy, does DEQ4 deal with -- I've had someone at MSU comment about composting toilets. Does DEQ4 cover that, or is that under Solid

Waste?

MR. McNEIL: It does. There is a new section covering composting toilets.

MS. WILLIAMS: Okay. Great.

CHAIRMAN SELCH: It looks like our November 2nd meeting there is a number of briefing items and potentially action items, so we'll plan on an in-person meeting. We'll obviously get that out to you with the agenda in October. And also bring -- like Amy mentioned -- we'll have to pick our first date for 2013, so bring your calendars, and we'll try and hammer out that date so we'll have the first date set for then.

Any other comments? With that, we'll adjourn.

MR. SALLEY: Motion to adjourn.

(The proceedings were concluded at 11:29 a.m.)

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C E R T I F I C A T E

STATE OF MONTANA)
: SS.
COUNTY OF LEWIS & CLARK)

I, LAURIE CRUTCHER, RPR, Court Reporter, Notary Public in and for the County of Lewis & Clark, State of Montana, do hereby certify:

That the proceedings were taken before me at the time and place herein named; that the proceedings were reported by me in shorthand and transcribed using computer-aided transcription, and that the foregoing - 64 - pages contain a true record of the proceedings to the best of my ability.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this _____ day of _____, 2012.

_____

LAURIE CRUTCHER, RPR
Court Reporter - Notary Public
My commission expires
March 12, 2016.